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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,887	02/12/2002	Chun-Hung Lee	3313-0484P-SP	3558
2292	7590	07/03/2006	[REDACTED]	EXAMINER
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			SAFAIPOUR, HOUSHANG	
			[REDACTED]	ART UNIT
				PAPER NUMBER
			2625	

DATE MAILED: 07/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/072,887	LEE, CHUN-HUNG	
	<b>Examiner</b>	<b>Art Unit</b>	
	Houshang Safaipour	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 29 December 2005.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-17 and 20 is/are rejected.  
 7) Claim(s) 18 and 19 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 12 February 2002 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.                    4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

JEROME GANT II  
PRIMARY EXAMINER

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114.

Applicant's submission filed on 12/29/2005 has been entered.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 is vague and indefinite for the following reasons:

Line (8) of claim 1 recites "a preliminary range of the pre-scanned image". It is not clear what preliminary range is.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 1-10, 12-17 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Cook (U.S. Patent No. 6,271,935).

Regarding claim 1, Cook discloses a method comprising:

obtaining a pre-scanned image from a scanner, wherein the prescanned image includes a document image portion and a background image portion (col. 6, lines 5-11 and col. 6, lines 53-65).

determining a preliminary range of the pre scanned image (col. 5, lines 18-60);

distinguishing at least a portion of said document image portion from said background image portion (col. 6, lines 53-65); and

determining a position of the document image portion within the range of the pre scanned image (col. 5, lines 9-17).

Regarding claim 2, Cook discloses the method of claim 1 wherein said determining said preliminary range comprises locating one side of said pre-scanned image, and searching along the one side to identify at least one corner of the pre scanned image (col. 5, lines 9-44).

Regarding claim 3, Cook discloses the method of claim 1 wherein said distinguishing comprises identifying color differences between said document image portion and said background image portion (col. 4, lines 55-63).

Regarding claim 4, Cook discloses the method of claim 1 wherein distinguishing comprises identifying one or more corners of the document image portion within the pre scanned image (col. 5, lines 35-44).

Regarding claim 5, Cook discloses a method of claim 4 wherein identifying one or more corners comprises identifying color differences between said document image portion and said background image portion at the one or more corners (col. 4, lines 55-63 and col. 5, lines 9-17).

Regarding claim 6, Cook discloses a method claim 5 wherein identifying four corners further comprises identifying a center point of said document image portion (col. 5, lines 9-44).

Regarding claim 7, Cook discloses the method of claim 5, wherein the document image portion and a background image portion comprise different colors (col. 4, lines 55-63).

Regarding claim 8, Cook discloses the method of claim 1, and further comprising further distinguishing at least a portion of said document image portion and/or said background image portion from an illuminated portion of the pres canned image (col. 4, lines 55-63).

Regarding claim 9, Cook discloses the method of claim 1, and further comprising the positional relationship between said document image portion and said background image portion within the range of the pre scanned image (col. 5, lines 9-44).

Regarding claim 10, Cook discloses and apparatus, comprising:

a scanner comprising:

a scanner window adapted to have a document disposed thereon (col. 1, lines 17-20); and

a scanner cover having a background, wherein said background is adapted to press on a document disposed on the scanner window (col. 2, lines 12-15), wherein said scanner is further adapted to:

obtain a pre scanned image of at least a portion of the document and at least a portion of the background (col. 2, lines 31-35);

determine a preliminary range of the pre scanned image (col. 5, lines 18-60);

distinguishing at least a portion of the pre scanned image comprising said portion of the document from at least a portion of the image comprising said portion of the background; determine a position of the document portion within the preliminary range of the pre scanned image (col. 5, lines 5-17).

Regarding claim 12, Cook discloses the apparatus of claim 10, wherein said determining a preliminary range comprises locating one side of said pre scanned image, and searching along the one side to identify at least one corner of the pre scanned image (col. 5, lines 5-44).

Regarding claim 13, Cook discloses the apparatus of claim 10, wherein said scanner is further adapted to identify color differences between said document portion and said background portion (col. 4, lines 55-63).

Regarding claim 14, Cook discloses the apparatus of claim 10, wherein said scanner is further adapted to identify one or more corners of the document image portion within the pre scanned image (col. 4, lines 55-63 and col. 5, lines 9-17).

Regarding claim 15, Cook discloses the apparatus of claim 14, wherein said scanner is further adapted to identify color differences between said document portion and said background portion at the one or more corners (col. 4, lines 55-63).

Regarding claim 16, Cook discloses the apparatus of claim 10, wherein said scanner is further adapted to identify a center point of said document portion (col. 5, lines 9-44).

Regarding claim 17, Cook discloses the apparatus of claim 10, wherein the document portion and a background portion comprise different colors (col. 4, lines 55-63).

Regarding claim 20, Cook discloses the apparatus of claim 10, and further comprising determining a positional relationship between the document portion and said background portion within the preliminary range of the pre scanned image (col. 5, lines 9-44).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cook (U.S. Patent No. 6,271,935).

Regarding claim 11, disposing an illumination source on the scanner cover is well known and routinely implemented in the art. Therefore it would have been obvious to a person of an ordinary skill in the art to provide such an illumination source in Cook's apparatus for transmissive scanning.

3.

***Allowable Subject Matter***

Claims 18 and 19 reciting "pre scanned image further comprises an image of at least a portion of the illuminator" is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**4. Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Houshang Safaipour whose telephone number is (571)272-7412. The examiner can normally be reached on Mon.-Fri. from 6:00am to 2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Houshang Safaipour  
Patent Examiner  
May 13, 2006

  
JEROME G. GRANT II  
PRIMARY EXAMINER